

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to FIG. 9. This sheet, which includes FIGS. 9 and 10, replaces the original sheet including FIGS. 9 and 10. In FIG. 9, previously omitted elements 100 have been added.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

REMARKS

Claims 1 - 2, 6 - 7, and 13 - 28 have been rejected under 35 USC 112. Claims 1, 6, 7, 13, 19, and 20 have been amended to overcome these rejections.

The specification has been amended at page 13, and the drawing at FIG. 9 has been amended to identify the thin membrane in the throat area.

Claims 1 and 2 have been rejected under 35 USC 102(b) as anticipated by Perkins. Claim 1 has been amended to emphasize the distinctive nature of the subject device and the fact that it is grasped in the fingertips of one hand. Claim 1, as currently amended, defines a surgical sharps handling device "with opposed walls configured to be held conveniently in the fingertips of one hand and forming a boundary for surgical articles carried by said device". Perkins is directed to a mechanic's toolbox rather than something useful in the operating room for "no hands" passing of scalpels, for example.

As a general observation, it is noted that none of the art of record pertains to a medical device that can be held in the fingertips of one hand. All of the devices cited by the Examiner are large devices that typically cannot be spanned by the fingers of one hand. It follows that none of the art of record alone or in combination is suggestive of any of the claims presently presented by applicants.

Claims 3 - 9, 12, and 27, were rejected under 35 USC 103 as unpatentable over Krafft. Claim 3 has been amended, above, to recite that the device is capable of supporting a large portion of the scalpel handle in a cantilever condition. Krafft discloses a sterilization case, too large to be held in the fingertips, that is incapable of holding a scalpel with the handle "extending beyond said device such that it is free of physical interference from adjacent parts of the device". Any surgical implement supported in the case of Krafft is surrounded by the structure of the case. Claims 4 - 9, 12 and 27 are patentably distinguishable over Krafft for these same reasons and for the further structural and functional limitations of these respective claims.

Claims 13, 18 - 19, 21, and 22 have been rejected under 35 USC 103(a) as unpatentable over Arp et al. Claim 13 has been amended to more clearly recite that the claimed device is arranged to support a scalpel with a handle in a cantilever condition to be readily grasped by a surgeon. As recited in claim 13, "the scalpel handle is free of obstruction by the device in a space surrounding said substantial portion". Arp et al. disclose a "box-like enclosure" in which surgical instruments are fully contained and, therefore, are obstructed from a cantilever presentation for easy grasp by a surgeon.

Claims 18 - 19 are patentably distinguishable for the reasons set out above in connection with claim 13 and

for the further structural and functional features recited therein.

Claim 14 has been rejected under 35 USC 103(a) as unpatentable over Arp et al. in view of Official Notice. Claim 14, it is respectfully submitted, is patentably distinguishable over Arp et al. in view of the reasons supporting the patentability of claim 13 and of the further structural and functional features recited therein.

Claim 28 has been rejected under 35 USC 103(a) as unpatentable over Krafft in view of Official Notice. Claim 28 is patentably distinguishable over the Krafft reference for the reasons set out above in support of claim 13 and for the further structural and functional recitations contained in this claim.

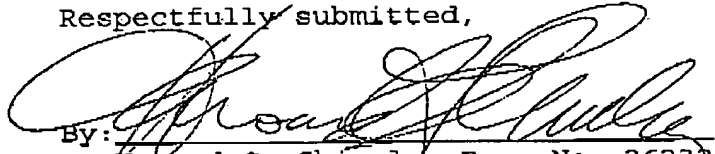
Claims 10 and 11 have been presented above in a manner which the Examiner has indicated to be allowable.

Claims 15 - 17, 20, and 23 - 26 have been rewritten to overcome the rejections under 35 USC 112, second paragraph, and to include the limitations of base and intervening claims that the Examiner has indicated would place these claims in allowable condition.

For all of the above reasons, it is respectfully submitted that claims 1, 3 - 20 and 23 - 28 are now in a condition for allowance, and notice to such effect is respectfully requested.

If there are any additional fees required by this
Amendment, please charge the same to Deposit Account No.
16-0820, Order No. 35580US2.

Respectfully submitted,

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ANNOTATED SHEET SHOWING CHANGES

